

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
UNITED STATES OF AMERICA

v.

**Criminal No. 1:04-cr-588
(GLS)**

YAN DELOUYA, ET AL.,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE UNITED STATES:

HON. GLENN T. SUDDABY
United States Attorney
445 Broadway
218 James T. Foley U.S. Courthouse
Albany, New York 12207-2924

TERRENCE M. KELLY, ESQ.
Asst. U.S. Attorney

FOR THE DEFENDANT PLATA:

STEPHEN R. COFFEY, ESQ.
O'Connell, Aronowitz Law Firm
54 State Street
9th Floor
Albany, New York 12207-2501

FOR THE DEFENDANT DELOUYA:

GEORGE E. LAMARCHE, III, ESQ.
Office of E. Stewart Jones, Jr.
28 Second Street
Jones Building
Troy, New York 12181

**Gary L. Sharpe
U.S. District Judge**

TRIAL ORDER

As extended by this court's March 24, 2005, Order, all relevant Criminal Pretrial Order deadlines have expired, this case is hereby designated "trial ready," and a jury trial shall begin on **MONDAY, FEBRUARY 6, 2006.**

The parties **shall** be prepared to proceed according to the schedule recited in this order.

FINAL PRETRIAL CONFERENCE

The attorneys **shall appear** at this court's chambers, 445 Broadway, Albany, New York, First Floor, South, for a final pretrial conference on **MONDAY, JANUARY 30, 2006 AT 10:30 A.M.**

JURY SELECTION AND TRIAL

The attorneys and parties **shall appear** at Courtroom No. 6, 445 Broadway, Albany, New York, First Floor, South, for the commencement of jury selection and trial on **MONDAY, FEBRUARY 6, 2006 at 9:30 A.M.**

PRETRIAL SUBMISSIONS¹

***N.B.* Unless otherwise noted, all parties shall electronically file and serve all pretrial submissions in accordance with General Order #22.**

The pretrial submissions required by the Criminal Pretrial Order **shall** be filed on or before **JANUARY 23, 2006** (one week before the final pretrial conference), **or earlier in accordance with the specific dates set forth below** which supplement the generic schedule recited in the Criminal Pretrial Order:

1. On or before **JANUARY 23, 2006** (fourteen days prior to the start of jury selection), the government **shall** tender to the defendant *Giglio* material and testifying informant's convictions (*See Criminal Pretrial Order, ¶ II(D)(1-2)*);
2. On or before **JANUARY 23, 2006** (one week before the final pretrial conference), the parties **shall**:
 - (a) *Exchange, but not file*, materials and statements of all witnesses who will testify in the parties' respective cases-

¹To the extent that the requirements of this order and attachment are inconsistent with any prior Criminal Pretrial Order or other orders entered in this case, this order and attachment control. Furthermore, any Criminal Pretrial Order requirement of "duplicate" filing is eliminated by the new electronic filing requirement.

- in-chief, if subject to Fed. R. Cr. P. 26.2 and 18 U.S.C. § 3500, unless for good cause, a different date is otherwise ordered by the court (*See Criminal Pretrial Order, ¶ II(E)*);
- (b) File Voir Dire requests (*See Criminal Pretrial Order, ¶ VIII(a)*) [Each party shall submit a numbered list of questions which the court, in the exercise of its discretion, may use during jury selection];
 - (c) File the Court Ordered Questionnaire (*See Criminal Pretrial Order, ¶ VIII(b), and Attachment 1*);
 - (d) **Traditionally** file and serve upon opposing counsel Requests to Charge and a proposed Special Verdict Form on either a CD ROM or 3.5-inch computer disk, preferably in WordPerfect format. (*See Criminal Pretrial Order, ¶ VIII(c) and (d)*) [The requests to charge need only include instructions that are specific to the law or unusual issues in this case; the court has boilerplate instructions];
 - (e) File a Trial Brief (*See Criminal Pretrial Order, ¶ VIII(e)*) [The trial brief shall contain argument and citations related to all disputed issues of law or unusual evidentiary

issues, citing the applicable rules of evidence and case law];

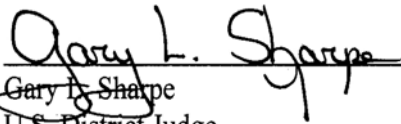
- (f) File Stipulations of Fact, including foundational stipulations related to exhibits or testimony (*See Criminal Pretrial Order*, ¶ VIII(f));
- (g) File Exhibit Lists (*See Criminal Pretrial Order*, ¶ VIII(g)); and,
- (h) File Witness Lists (*See Criminal Pretrial Order*, ¶ VIII(h))
[Name and city only; include the names of all expert witnesses and a brief description of their area of expertise]

N.B.: Personal Privacy Protections may apply to disclosure of this information. See Local Rule 8.1; General Order #22, ¶¶ 2.1.3, 11.1-11.2 and 12.2.

NOTICE: VOIRE DIRE AND CHARGE REQUESTS AND MEMORANDA OF LAW THAT ARE NOT FILED IN ACCORDANCE WITH THIS ORDER MAY BE REJECTED BY THE COURT. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS PRETRIAL ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS.

SO ORDERED.

**Date: December 8, 2005
Albany, NY**



Gary L. Sharpe
U.S. District Judge

ATTACHMENT (1)

COURT ORDERED QUESTIONNAIRE

U.S.A. vs. YAN DELOUYA, ET AL. CASE NO.: 1:04-cr-588 (GLS)

Each attorney is required to submit the following information on behalf of his client for use during voir dire.

**NAMES AND ADDRESSES OF ALL DEFENDANTS ON TRIAL.
DEFENSE COUNSEL'S FIRM NAME, ADDRESS AND THE NAME OF
ANY PARTNER OR ASSOCIATE WHO MAY BE AT COUNSEL TABLE
DURING THE COURSE OF THE TRIAL.**

(use additional page if necessary)

**U.S. ATTORNEY'S NAME AND OFFICE ADDRESS
NAMES AND BUSINESS ADDRESS OF ANY CASE AGENT OR OTHER
GOVERNMENT REPRESENTATIVE WHO WILL SIT AT COUNSEL
TABLE.**

(use additional page if necessary)

**SET FORTH THE DATE OF EACH ALLEGED CRIMINAL
OFFENSE, THE PLACE OF THE OFFENSE, AND A BRIEF STATEMENT
OF THE EVENTS CENTRAL TO THE CHARGES OF EACH COUNT IN
THE INDICTMENT.**

(use additional page if necessary)

SET FORTH A BRIEF DESCRIPTION OF EACH AND EVERY COUNT IN THE INDICTMENT.

(use additional page if necessary)

SET FORTH A BRIEF DESCRIPTION OF EACH AND EVERY AFFIRMATIVE DEFENSE ASSERTED.

(use additional page if necessary)

PLEASE TAKE NOTICE that any delay in jury selection occasioned by the failure to provide this information will be explained to the jury as to the extent of the delay and the attorney causing same and if the delay causes a one day or more postponement of the trial, appropriate monetary sanctions will be imposed by the Court.

Date:

(Signature of Attorney)
Bar Roll Number